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C O N F I D E N T I A L SECTION 01 OF 03 USNATO 000106

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SUBJECT: MARCH 6 VCC AND EXPERTS: EXPERTS SEARCH FOR 2009
AGENDA WHILE FRANCE PUSHES FORCE MAJEURE TO HLTF

REF: STATE 20411

Classified By: POLAD W. Scott Reid for reasons 1.4 (B)&(D).

¶1. (C) Summary. During the March 6 VCC and meeting of experts, Allies echoed opinions expressed in Vienna -- that the 2009 AIAM was livelier than the previous year but still short on substance. Experts agreed that it was too soon to propose an agenda for work in 2009 based on the results of the AIAM. Claiming that the introduction of force majeure at the AIAM had played into Russia's hands, France requested that the VCC Chair forward the issue to the HLTF for consideration. In the VCC and experts, as well as on the margins, Canada strongly defended its paper on force majeure and indicated it still planned to introduce it in the FSC. Finally, France indicated it would begin notifying CFE inspections in Russia during the next treaty year. End Summary.

Experts React to 2009 AIAM with Guarded Optimism

¶2. (SBU) In the March 6 VCC meeting of experts Allies voiced their initial perceptions of the 2009 Annual Implementation Assessment Meeting (AIAM), which was held in Vienna 3-4 March. Though participation in the exchange was scant, experts generally echoed sentiments expressed in Vienna--that the 2009 AIAM, while still lacking substance, exceeded Allies' expectations in terms of interaction between participating States. Portugal, Norway, Denmark and Belgium all noted a more lively discussion than in 2008, but Norway also complained about the lack of expertise at the table. Belgium also regretted that Allies had only introduced two of five Allied-sponsored papers.

Looking for a Proactive role for Experts

¶3. (SBU) Drawing on experts' initial impressions of the AIAM, the Chair (Weiderholtz) asked for opinions on what experts should focus on in 2009. Wiederholtz asked, for example, if experts should review Russia's AIAM paper entitled, Food-for-Thought Paper--Analysis of the Implementation of the Vienna Document 1999 (FSC.AIAM/2/09). Norway, supported by Denmark and Belgium, suggested that in addition to reviewing the Russian paper, experts should begin a review of VD 99 in its entirety. Denmark agreed and argued for a chapter by chapter review, claiming that 50 percent of VD 99 is outdated. Denmark opined that experts should be able to harmonize a technical review at experts' level with political concerns in Vienna. The UK concurred, noting that while Allies currently could not reach consensus on opening

VD 99, experts should be allowed to conduct a technical review in order to have the advice available if and when the political winds change.

14. (SBU) Canada reminded the group that experts are mandated to look at on-going implementation issues for, inter alia, CFE, VD 99 and Dayton, adding that there is no requirement to reach consensus at the level of experts. France proffered that discussion of issues at the level of experts can be advantageous. For example, France noted that discussion among experts can often assist in identifying and qualifying Allied concerns on a particular topic in advance, which in turn can make it easier to find consensus at the VCC or in Vienna.

15. (SBU) Seemingly in search of consensus on specifics agenda topics, Wiederholtz asked whether the group should revisit the list of issues discussed last year. The U.S. (Meyer) said it would be difficult for the U.S. to find value in rehashing last year's discussions. Moreover, Meyer said he doubted that the 2009 AIAM Survey of Suggestions (the document from which Allies developed their list of issues in 2008) would prove significantly different from the 2008 version as there was very little new material presented in this year's AIAM. Meyer also cautioned that experts might find it difficult to attempt a review of VD 99, albeit at the technical level, without sending unintentional political signals. He concluded that it was too soon after the AIAM to ask Allies to propose an agenda for experts based on AIAM results.

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16. (SBU) Norway agreed with the U.S., but reiterated that experts should conduct a review of VD99. Canada also agreed to the U.S. point on timing, but proposed that experts consider a preview of implementation issues for ACFE. In the end, experts agreed to wait for the OSCE to publish the 2009 Survey of Suggestions before considering an agenda. Wiederholtz concluded the discussion by asking experts to be prepared to discuss the survey at the next meeting in April.

France Asks VCC to Introduce Force Majeure at the Next HLTF

17. (C/REL NATO) At the VCC, France requested that the VCC Chair (Miggins) forward the issue of force majeure to the next HLTF. France claimed that the introduction of force majeure at the AIAM had played into Russia's hands and exposed the Alliance to criticism vis-a-vis Georgia's recent declaration of force majeure against Russia. France argued that, given the political considerations, the Alliance needs to have a common position on force majeure before it is introduced in Vienna.

18. (C/ REL NATO) Canada vehemently denied any inference that Canada's paper, which it had announced it would table in the FSC, had played into Russia's hands. (Note: Canada intended to table a paper on defining force majeure at the AIAM. Noting political and substantive concerns, the U.S. requested that Canada not table the paper. Canada agreed to hold its submission, but in response to questions in open forum at the AIAM on why it had not introduced its paper, Canada responded that it was still consulting in Ottawa and that it hoped to introduce the paper in the FSC soon. End Note.) Recalling that their paper was developed in response to an implementation issue prior to the Russia-Georgia conflict, Canada argued that the issues that the paper was developed to address had not gone away, and Canada did not see the connection to France's political concern.

19. (C/NOFORN) Prior to the VCC, both Canada (Davidson) and France (Payen) discussed this issue with U.S. Del. Canada met with U.S. Del (Meyer) at Meyer's request after the Canadian verification agency voiced concerns at the AIAM over the fate of their paper. Referring to a number of classified emails, Canada made the following points:

-- Speaking for the Canadian verification agency, Davidson said they felt that U.S. STATE had misrepresented the facts behind the development of the Canadian paper when it issued a demarche in Washington.

-- Davidson argued that in spring 2008 experts had essentially validated the Canadian paper and agreed that Canada should introduce the paper for discussion at the AIAM.

Subsequently, the IS drafted a working paper to which the remaining discussion papers were annexed. It was this paper that was forwarded to the HLTF for consideration. There was no agreement in the VCC or experts that any of the papers required HLTF approval prior to introduction at the AIAM.

-- Davidson complained that the U.S. had not raised its concern over the implications of "fair-or foul-weather" for VD 99. Davidson also explained that the select events described in their operative paragraph such as riots where not meant as a definition, but a list of potential circumstances that could warrant the declaration of force majeure.

-- Finally, Davidson claimed that Canada had discussed post-conflict political considerations with France at the HLTF, as well as with Russia, Georgia, France and others in Vienna. (Note: Davidson thought Canada had approached the U.S. del in Vienna. He was surprised when Meyer assured him that Canada had not discussed the issue with USOSCE. End Note.) At no time, Davidson claimed, had anyone objected to the proposal on political grounds.

-- Responding to questions posed by the U.S., Davidson admitted that Canada was more interested in improving compliance than pushing their draft through the FSC toward a decision. Davidson conceded that the term "definition" could be problematic, and did not really capture the spirit of their proposal. He also allowed that a Chairman's Statement

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and/or the use of less restrictive constructions could be acceptable.

¶10. (C/NOFORN) France had also approached U.S. Del immediately prior to the VCC to report on their intentions and ask for the U.S. position. Meyer noted that the U.S. had some concerns over the Canadian paper, but was not in a position to actively support France's call to forward the issue to the HLTF.

¶11. (C/REL NATO) Following both Canada's and France's interventions in the VCC, Meyer confirmed Canada's recollection of the development of its technical paper and confirmed that Switzerland, and not Canada, had introduced force majeure at the AIAM. At the same time, Meyer referred to earlier discussions in the meeting of experts where Canada had noted that experts were mandated to discuss implementation issues on a technical level. Meyer reasoned that that while the Canadian paper represented technical advice, others would rightly determine whether that advice was actionable based on political considerations.

France to Notify CFE Inspections in Russia Next Treaty Year

¶12. (C/NOFORN) France (Payen) approached U.S. Del on the margins to report that France intended to begin notifying CFE inspections in Russia in the next Treaty Year. Meyer asked Payen if France intended to notify an inspection before the end of the current treaty year. Payen said that the foreign Ministry had initially asked the verification agency to notify this year, but the verification agency felt that it was their responsibility to be prepared to execute the mission in the unlikely event that Russia accepted. Payen said that his agency could not complete the necessary preparation in time to notify an inspection prior to the end of the current treaty year.

Scheduling

¶13. (SBU) Allies were asked to confirm at the next VCC in April whether Allies wanted the IS to plan a VCC Seminar in October. During a brief discussion, Allies doubted that there was sufficient material of substance to warrant a seminar this year, and no Ally was interested in holding a seminar consisting of presentations from verification agencies. Absent further guidance, US VCC Del is prepared to join those in opposition to holding a seminar in October on the grounds that, at this time, there is no indication that Allies could agree to a substantive agenda for such a meeting.

¶14. (C/REL NATO) Allies announced the following changes to their verification schedules:

For VD 99 Evaluations:

--Norway to Kazakhstan moved from CW 13 to CW 14
--Luxembourg to Sweden moved from CW 14 to TBD

For VD 99 Inspections:

--Belgium announced it lost a planned inspection to Serbia
--Belgium to FYROM moved from CW 12 to CW 11
--Belgium to Tajikistan moved from CW 14 to TBD
--Germany to Kyrgyzstan from TBD to CW 31
--Hungary to Croatia from TBD to CW 11

For CFE Inspections:

--France to Russia (flank) from TBD to TB 16
--France to Russia (quota) from TBD to TB 34
--Portugal to Russia from TBD to TB 6
--UK to Ukraine moved from TB 16 to TB 15

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